

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in this application, Claims 5-20 having been withdrawn from consideration, and Claims 1-4 having been presently amended. Support for amended Claims 1-4 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1-4 were rejected under 35 U.S.C. §102(e) as anticipated by Nykanen et al. (U.S. Patent No. 6,594,483; hereinafter "Nykanen").

In response to the rejection of Claims 1-4 under 35 U.S.C. §102(e) as anticipated by Nykanen, Applicants respectfully submit that independent Claims 1 and 3 as clarified recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a wireless communication system including, *inter alia*:

...an area information acquisition unit configured to acquire information on an area in which the wireless communication system presently exists;

a memory unit configured to store communication setting information on the wireless communication system corresponding to said area information;

an area information judgment unit configured to judge the communication setting information which can be set in the wireless communication system based on the area information acquired from said area information acquisition unit; and

a communication control unit configured to control communication settings in the wireless communication system based on the communication setting information judged by said area information judgment unit, and to control the communication settings by selecting frequency bands, signal parameters, and transmission power output values associated with different areas in which the wireless communication system can be used.

¹ See page 14, lines 3-14 of the specification.

Amended independent Claim 3 recites similar features, therefore the arguments presented with respect to Claim 1 are applicable to Claim 3.

Nykanen describes a positioning service 1-9 that interfaces with positioning hardware and a driver 1-11 so as to vend information regarding the location of a terminal via a location application program interface (API) 1-3. Location API 1-3 does not communicate directly with the positioning service 1-9 but instead forwards data concerning the location information request to a privacy control module 1-5. Such forwarded data might include information such as the identity of the application making the request, whether the request is for a single report of the terminal's location or a request to receive periodic updates concerning the terminal's location, and the specifics of the location information request, such as which of latitude, longitude, and altitude data are required, an indication of the purpose for which the information will be used, and the level of accuracy required.²

However, Nykanen fails to disclose or suggest a communication control unit configured *to control the communication settings by selecting frequency bands, signal parameters, and transmission power output values associated with different areas in which the wireless communication system can be used*, as recited in Applicants' independent Claims 1 and 3.

As described above, Nykanen merely describes a location API 1-3 that provides location information which includes latitude, longitude, and altitude data. Nykanen does not describe controlling communication settings by selecting frequency bands, signal parameters, and transmission power output values associated with different areas in which the wireless communication system can be used. While a transmission power in Nykanen may be considered by the examiner to be an inherent characteristic, Nykanen does not describe

² See Nykanen at column 3, line 48 to column 4, line 4.

selecting transmission power output values in conjunction with frequency bands and signal parameters.

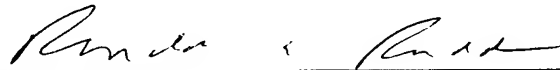
Accordingly, Applicants respectfully submit that amended independent Claims 1 and 3 (and all claims depending thereon) patentably distinguishes over Nykanen.

Accordingly, Applicants respectfully request the rejection of Claims 1-4 under 35 U.S.C. §102(e) as anticipated by Nykanen be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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